

APPENDIX B: THE LIBRARIAN'S TESTIMONY

STATEMENT OF JAMES H. BILLINGTON

The Librarian of Congress

before the Subcommittee on Legislative Branch

Committee on Appropriations

U.S. Senate

Fiscal 2002 Budget Request

May 2, 2001¹

The Library celebrated its Bicentennial in 2000 by focusing on the future. The Internet has added a new dimension to the Library's historic mission of sustaining and preserving a universal collection and making its resources useful to the Congress and the American people. The new digital communications offer this unique institution extraordinary opportunities to achieve new levels of service to the Congress for its legislative work and to citizens in search of knowledge in every congressional district. The Library created for its bicentennial an online library of more than 5 million historically significant digital items that are now available free of charge on the Internet to people wherever they live. More than 120 million Americans now have personal Internet access, and 95 percent of K-12 schools and most public libraries can provide access for those who cannot afford personal computers. The Library of Congress received almost 1 billion electronic transactions in 2000.

We deeply appreciate the Congress's approval of the Library's fiscal 2001 budget, including permanent status for the eighty-four positions that made possible our award-winning National Digital Library (NDL) Program. This action permits us to retain for our broadening digital future the innovative talents, technical expertise, and Library experience of those who will be able to help us face the massive challenges that lie ahead: incorporating digital material into our universal holdings, ensuring their long-term preservation, and making them accessible to the Congress and the nation. The Library, at the same time, must sustain its traditional artifactual collections (the amount of print materials also continues to grow worldwide) and move its services to the Congress and to the copyright community rapidly into the electronic age. All this and more we must do with a staff considerably smaller than a decade ago.

Our NDL efforts have won many awards and widespread praise. Joyce Valenza, a librarian at Springfield Township High School in Pennsylvania, states, "I use the American Memory Web site to bring an immediacy to history that kids can't get from textbooks." Richard Geib, a history and English teacher at Milkin Community High School in Los Angeles, writes, "I am a teacher who has found your site enormously helpful in presenting/building digital lectures for my students. I cannot remember the last time I derived such direct benefit from my tax dollars!"

1. In addition to the testimony printed here, Librarian of Congress James H. Billington also testified before the House Legislative Branch Appropriations Subcommittee on June 26, 2001.

Building on such success, the Library launched on April 24, 2000, its 200th birthday, a new Web site (AmericasLibrary.gov) designed to introduce children and families to American history. This site—which is recording more than 8 million electronic hits each month—is being promoted by the first *pro bono* campaign for a library program ever conducted by the Advertising Council. With virtually all K-12 public schools now connected to the Internet, the Library is positioned to make a major contribution toward the nation's educational development and future productivity.

The Library's main priority in the digital arena is to help the Congress and generations of researchers quickly gain access to relevant and verifiable information in digital formats, while ensuring that the rights of content creators and producers are respected. The exponential growth of the Internet is fostering an explosion of material that increasingly is produced only in digital formats. These so-called "born digital" works are growing so rapidly that an international consulting firm, Accenture (formerly Andersen Consulting), predicts that the sale of e-books will reach \$2.3 billion by 2005. The Library is facing the massive challenge of applying its traditional strengths of acquiring, preserving, describing, and making accessible knowledge and information to the rapidly growing but often ephemeral mass of material produced only in digital form. The Library must apply its unique experiences and resources for organizing knowledge and information with in-depth subject and language expertise to the unstructured and unfiltered world of the Internet if it is to continue informing and serving the Congress and the nation.

As part of the Consolidated Appropriations Act of 2001, the Congress provided to the Library a special \$99.8 million appropriation to develop a cooperative nationwide collection and preservation strategy for digital materials. In collaboration with other federal and nonfederal entities, the Library is mandated to develop a phased implementation plan that will lead to a national strategy for a network of libraries and other organizations to share responsibilities for collecting, maintaining, and providing permanent access to digital materials. The plan will also develop, in concert with the Copyright Office, strategies for defining national policies and protocols for the long-term preservation of digital materials and for the technological infrastructure that will be required for the Library to play its key role in the collaborative national network.

This new congressional direction recognizes that the Library must integrate the new Internet/digital medium into its historic mandate to preserve and provide access to the record of human experience. Of the total appropriated, \$75 million is to be made available as this amount is matched by nonfederal donations, including in-kind contributions, through March 31, 2003.

Two years ago, I commissioned an independent study by the National Academy of Sciences (NAS), a private, nonprofit science and technology research organization, to provide an outside assessment of our technology efforts and general advice on an information technology path for the Library in the next decade. Experts on the Computer and Science Telecommunication Board of the National Research Council of NAS produced in July 2000 their report, *LC21: A Digital Strategy for the Library of Congress*. It suggested that the Library "needs to be more proactive in bringing together stakeholders as partners in digital publishing and digital library research and development." The report called for the Library to assume leadership in many areas, such as supporting and promoting research and development in digital preservation, coordinating metadata standards for digital materials to extend and transform cooperative cataloging in the Internet context, and helping the U.S. library community work with electronic publishers and others to resolve the legal and technical questions that relate to digital works.

The Library's fiscal 2002 budget recognizes the Library's special, new congressional mandate to develop a national digital infrastructure and preservation plan in collabo-

ration with other federal and nonfederal entities for the Congress and the nation. At the same time, the Library must continue to construct the digital-repository architecture and basic technology infrastructure that will enable us to preserve current and future digital assets, building on many of the NAS recommendations. The fiscal 2002 budget request contains four major elements. Before I explain those elements, I would like to notify the committee that the Library is withdrawing the Copyright Office's request of \$2,688,109 and thirteen full-time equivalent employees (FTEs) to accelerate the development of the Copyright Office's electronic registration, recordation, and deposit system (CORDS). Since the date the Library's fiscal 2002 budget was submitted to the Congress, the Copyright Office has received new information from its reengineering project team that points to the need to do further analysis of the office's total systems requirements before any further acceleration of CORDS is undertaken. We are also reducing the Copyright Office's use of receipts by the \$1.1 million that was budgeted to fund a portion of the CORDS project. I ask that the Congress maintain the fees accumulated in the Copyright Office's no-year receipt account (including the \$1.1 million) for the inescapable and significant automation costs that we know will be necessary to fund the office's electronic transformation in the future. The Register of Copyrights, Ms. Marybeth Peters, will elaborate further on this change and the critical need to maintain the no-year receipt account in her statement. The numbers contained in this statement have been adjusted to reflect the decision to withdraw the Copyright Office's request.

Program Decreases (\$121.4 million). The Library's fiscal 2001 budget provides no-year funds for several activities that do not require additional funding in fiscal 2002 and may or may not continue beyond fiscal 2001. Specifically, the National Digital Information Infrastructure and Preservation Program (\$99.8 million), the establishment of a Center for Russian Leadership Development (\$10 million), three digital access projects (\$10.6 million), and a phased reduction in the integrated library system (\$1 million) are program decreases in fiscal 2002.

Mandatory Pay and Price-Level Increases (\$20 million). The Library's budget funds primarily people and technology—categories where costs increase each year because of mandated pay and inflationary price-level increases. Unless these increases are funded, existing programs must be cut. Funding our fiscal 2002 budget request for mandatory pay and price-level increases will enable the Library to sustain its basic, traditional services while addressing its inescapable digital future.

Digital Futures Increases (\$18.8 million). The Library's digital futures budget request for fiscal 2002 covers support for the Congressional Research Service's conduct and delivery of policy analysis and research; the National Digital Library's continuing infrastructure requirements; and the Library's computer security infrastructure. Technology is going to define how we do business with our principal client, the Congress of the United States, for the foreseeable future. The Congressional Research Service (CRS) must have necessary policy expertise to assist the Congress as it considers laws affected by technology. The director of CRS, Daniel Mulhollan, will elaborate further on this request in his statement.

Collections Access, Preservation, and Security Increases (\$11.8 million). The Library's massive multifformat collections are the heart of the institution. As these artifactual collections continue to grow, reflecting the unceasing creativity of American and other authors, the Library must continue to invest in securing and preserving these cultural records, our primary assets. The funds requested for collection care will enable the Library to deacidify books printed on deteriorating paper, test options for developing a

paper-strengthening capability, and clean and repair materials destined for remote storage; and, following the opening of the Fort Meade repository this year, we will begin realigning the multimillion-volume general collections so that books are properly housed.

The Library's budget request for fiscal year 2002—\$442.7 million in net appropriations (as adjusted) and \$34.7 million in authority to use receipts²—supports the Library's mission to make its resources available and useful in the increasingly digital twenty-first century. This is a net decrease of \$68.4 million or 13.4 percent below fiscal 2001 (\$121.4 million in decreases less program increases of \$51.6 million and receipts decreases of \$1.4 million). A major part of the \$51.6 million in program increases (\$20 million) is needed to fund mandatory pay raises (driven largely by the January 2002 pay raise of 4.6 percent) and unavoidable price-level increases. The Library is requesting an increase of 108 FTE positions—from 4,099 to 4,207 FTEs. Even with such an increase, the Library would still have 342 fewer FTEs (or 7.5 percent less) than in fiscal 1992.

THE LIBRARY OF CONGRESS TODAY

The core of the Library is its incomparable collections—and the specialists who interpret and share them. The Library's nearly 121 million items include almost all languages and media through which knowledge and creativity are preserved and communicated.

The Library has more than 27 million items in its print collections; 12 million photographs; 4 million maps, 2 million audio recordings; 800,000 motion pictures, including the earliest movies ever made; 4 million pieces of music; 54 million pages of personal papers and manuscripts, including those of twenty-three presidents of the United States; and hundreds of thousands of scientific and government documents.

New treasures are added each year. Notable acquisitions during fiscal 2000 include nearly 100 additional old volumes to help reconstruct Thomas Jefferson's original library; a rare, complete, and perfect Venetian map of 1559 describing the whole world; the maps drawn by Lafayette's cartographer; the papers of Philip Roth and Lukas Foss; the Kenneth Walker architectural drawings; the letters of Edna St. Vincent Millay; the first known map of Kentucky; the Coville Photography collection; a unique collection of Russian sheet-music covers; and the film collection of Baron Walter de Mohrenschildt. During fiscal 2000, the Library also reached agreement on the regular, ongoing deposit of the archives of electronic journals published by the American Physical Society, continued its relationship with Bell & Howell on cost-effective access to its digital archive of U.S. doctoral dissertations, and built on the existing gift agreement with the Internet Archive to select and acquire open-access Web resources of special interest to the Library, such as the Web sites of all U.S. presidential candidates.

Every workday, the Library's staff adds approximately 10,000 new items to the collections after organizing and cataloging them. The Library then finds ways to share them with the Congress and the nation—by assisting users in the Library's reading rooms, by providing online access across the nation, and by featuring the Library's collections in cultural programs.

Major annual services include delivering more than 590,000 congressional research responses and services, processing more than 580,000 copyright claims, circulating

2. Reflects an adjustment from the Library's original budget request for \$480.1 million, including authority to spend \$35.8 million.

more than 22 million audio and braille books and magazines free to blind and physically handicapped individuals all across America, and cataloging more than 250,000 books and serials that provide the nation's libraries with inexpensive bibliographic records and save them an estimated \$268 million annually.

The Library also provides free online access via the Internet to its automated information files—which contain more than 75 million records—to congressional offices, federal agencies, libraries, and the public. The Library's Internet-based systems include major World Wide Web services (e.g., Legislative Information System, THOMAS, Global Legal Information Network), the Library of Congress Online Public Access Catalog, and various file transfer options.

Library of Congress programs and activities are funded by four salaries and expenses (S&E) appropriations supporting congressional services, national library services, copyright administration, services to blind and physically handicapped people, and management support. A separate appropriation funds furniture and furnishings.

DIGITAL FUTURES INITIATIVES

The Library of Congress is bringing America's story—in all its variety—to everyone, whether at work, in their homes, in schools, or in libraries. The digital explosion has imposed on us a new mission-critical workload and the need to expand our high-quality, free online services to the Congress, K-12 education, and the American public. This task must be superimposed on our equally critical traditional services of acquiring, cataloging, preserving, serving, and storing artifactual materials. The Library is requesting \$18.8 million and an eighty-FTE increase to support the digital future, which consists of three components:

National Digital Library (NDL). The Library is requesting \$14,582,963 and fifty-eight FTEs to (1) develop a digital-repository architecture to preserve current and future digital assets acquired as part of the Library's permanent, universal collection (\$2,718,895); (2) provide the basic technology infrastructure and support components that must be in place (software, hardware, telecommunications, and technical support staffing—\$10,172,967) to enable the Library's program managers and specialists to retain and deliver a digital library; and (3) provide access services for sustaining the Library's digital outreach to the nation (\$1,691,101). This request supports the Library's investment in the ongoing digital library program and infrastructure, which provides access to important educational content. This request will provide the resources to manage the full life cycle of digital materials housed at the Library of Congress.

The Library's fiscal 2002 NDL budget request of \$14,582,963 is independent of—but complements the responsible use of—the special appropriation of \$99.8 million to lead a national strategic planning effort for long-term preservation of digital materials. The Library's experience in launching and delivering digital content and services to the Congress and the public will inform and help shape this program. But the Library's ability to do so depends on further support for its own inescapable needs. The Congress directed that only \$4,989,000 of the \$99.8 million special appropriation may be initially spent for planning as well as for the acquisition and preservation of digital information that may otherwise vanish. The legislation calls for the Library to work jointly with other federal and nonfederal entities to develop a phased and shared implementation plan to collect, maintain, and provide permanent access to digital materials. We are planning to build a national network of partners for collecting and preserving digital materials, with the Library as the primary partner and facilitator of that process. After developing both the plan and the collaborative process with federal and

nonfederal partners, the Library must gain congressional approval of the implementation plan—at which time an additional \$19,956,000 and \$74,835,000 (with matching funding) would become available as specified in the legislation.

The Library's internal resource requirements will ultimately be shaped by this collaborative process. We estimate that the plan will be completed in late 2001, but this request for \$14.6 million is needed to position the Library for the heavy added responsibilities it will have to assume, both to sustain its already taxed existing services and to prepare the Library for the key role it will have to play in preserving "born digital" materials.

Congressional Research Service. The Library is requesting \$3,491,044 and seventeen FTEs for CRS to support the research needs of the Congress. The request focuses on strengthening CRS's capacities to support the Congress in the new technology-dependent environment, which has significantly changed how the Congress works. CRS needs added resources to address serious and significant gaps in its capacity to analyze increasingly complex technology policy issues, to conduct collaborative research, and to enhance its ability to apply technology to work and communication processes.

Computer Security. The Library is requesting \$686,088 and five FTEs to support the Library-wide Information Technology Services security program. The Library's on-line services represent a critical infrastructure for the operations of the legislative branch and the nation. The new age of Internet opportunities also brings with it vulnerabilities of the Library's automated systems to intrusion and destruction. The Library is addressing these vulnerabilities by implementing its computer security plan and needs these resources to ensure the protection of our information assets.

COLLECTIONS ACCESS, PRESERVATION, AND SECURITY

A primary mission of the Library is to provide access to, preserve, and secure its vast and largely irreplaceable artifactual collections. The Library is requesting \$11.8 million and a twenty-four-FTE increase for collections access, preservation, and security. Components of the increase are

- \$3,205,500 to acquire motion picture and sound recording equipment—Several critical pieces of equipment that support the Library's Motion Picture, Broadcasting, and Recorded Sound (MBRS) Division require replacement. The purchase of a Telecine machine (\$1,800,000) and two film processors (\$385,000) is critical given the lead time necessary to purchase, manufacture, and install the equipment at the National Audio-Visual Conservation Center in Culpeper, Virginia, during its construction. A new Telecine machine is desperately needed to convert film to video formats and create access copies for use by researchers, including congressional offices and staff. The Telecine transfer process is the only method for making films in the Library's collections accessible to constituents for research use. The Library's existing Telecine machine is more than sixteen years old and increasingly difficult and costly to keep in operation.

- \$1,371,618 to support improved inventory management of the collections—Accomplishing inventory management of the Library's books and bound periodicals is a cornerstone of the Library's collections security plan. The Library of Congress integrated library system (LC ILS) provides, for the first time, the potential for effective tracking and inventory control of all the Library's books and bound periodicals. The essential next step is to conduct a physical inventory that verifies the LC ILS item

records with what is on the Library's bookshelves. A physical inventory will assure that the LC ILS item records that are available online accurately reflect what the Library actually has on the shelf. The need to accomplish a physical inventory has been cited in studies and audits for many years. The Library has consistently responded that the LC ILS will at last provide a tool to support a comprehensive inventory of the book collections.

- The Computer Science Corporation, KPMG Peat Marwick, and the Library's own risk assessments all highlight the lack of and need for the next step: effective inventory control and tracking. Establishing an accurate base is critical to inventorying the collections periodically, providing efficient internal and external circulation, and measuring changes in the status of items. This base consists of recording actual holdings and other information contained on shelf-markers, or files such as the negative shelflist maintained by the Library's Collections Management Division. Effective inventory control and tracking depend on including in the LC ILS database physical location information, but this information can be added to the LC ILS only if the Library has the human resources necessary to input the data. The inventory process is both urgent and lengthy, and the Library must begin and sustain this effort as soon as possible, or it may never be able to validate control over the collections.

- \$1,705,693 and two FTEs to support the second of five increments required in our thirty-year (one generation) mass deacidification program—A priority of the Library's preservation efforts is deacidification of a significant portion of materials printed on high-acid paper, which has dominated printing since the middle of the nineteenth century. The Congress approved the first increment of this critical program as part of the fiscal 2001 budget, and the Library requests a planned increase of \$1,705,693 and two FTEs to continue to scale up to \$5.7 million by fiscal year 2005. By 2005, the Library plans to have reached the capacity to deacidify annually 300,000 books and 1 million manuscript sheets.

- \$1,604,093 and eleven FTEs to support preventive conservation actions for collection materials—The Library is requesting funds for a plan to preserve and protect the Library's most valuable collections through cost-effective and efficient preservation measures. The plan provides enhanced security and preservation for collections through proper housing, stack maintenance, handling, and shelving procedures. Implementation of this plan would make possible additional monitoring of collection-storage environments, additional preservation-quality housings to stabilize select general and special collections, and additional paper strengthening for too-brittle-to-serve documents.

- \$996,596 to support the shifting of collections (includes \$48,000 for equipment)—The Library is proposing a four-year program that will realign collections with current reading room locations and shift the remaining collections in the Thomas Jefferson and John Adams Buildings to take advantage of space vacated by the transfer of collections to Fort Meade module 1. When Fort Meade module 1 becomes operational in 2001, the Library will be able to address its critical collections storage space shortage on Capitol Hill. At present, more than 50,000 items are stacked on the floors throughout the decks, with hundreds more being placed on the floor daily. Every day, more than 1,200 new items arrive that must be accommodated in the John Adams and the Thomas Jefferson Building stacks. When Fort Meade module 1 is completed, the Library will begin transferring 4,000 items per day from the John Adams and the Thomas Jefferson Buildings to Fort Meade, Maryland. Six months after this transfer begins, the Library proposes to initiate a four-year program to shift the collections remaining in the John Adams and the Thomas Jefferson Buildings to relieve overcrowd-

ing and to serve better current and proposed reading room locations. The project requires not only the direct shifting of these collections, but also the integration of significant quantities of material now on the floor and housed in overflow areas. Approximately 16 million volumes will need to be shifted, as well as the entire collection of microfilm and microfiche. Although this program must be done according to a specific logical sequence, it is imperative that it be done as expeditiously as possible because the stacks are overcrowded and much new material cannot now be properly accommodated.

- \$939,099 and nine FTEs to support folklife heritage and access—During fiscal 2000, the American Folklife Center (AFC) developed a three-year strategic plan that addresses its core mission. This plan was ratified by the AFC's Board of Trustees at its spring 2000 meeting, and the Library's fiscal 2002 budget request responds to the goals and objectives that were outlined and approved for the AFC. Additional resources would increase documentation of unique American folk culture and the processing and preservation of and public access to the outstanding archival holdings of the AFC, which comprise more than 1.5 million items. The Congress in October 2000 directed by unanimous vote (Public Law 106-380) that the AFC establish an oral history program to collect video and audio histories of veterans of our Armed Forces who served during a period of war. The budget request includes a modest request of \$249,776 to begin developing the nationwide partnership program called for in the authorizing legislation. The Library is consulting with the congressional sponsors, veterans, and with military service organizations to develop appropriate partnerships, including the active participation of members of Congress. But at least this much money is needed to embark upon this immense project.

- \$709,831 for improved physical control of the collections—To accomplish greater physical control, the Library proposes to contract for security officers (contract guards) to permit expanded security for three more reading rooms than are now covered, to open two additional cloakrooms, and to establish security at the Library's off-site collections storage site at Fort Meade. All of these physical security steps are essential elements of the Library's collections security plan.

- \$250,000 and one FTE to support the new National Recording Preservation Act of 2000 (Public Law 106-474, approved November 9, 2000)—The Library is requesting \$250,000 to establish the new National Recording Registry and to implement the comprehensive national sound recording preservation program. The position is required to provide research and administrative support for the new National Recording Preservation Board and implement the national sound recording preservation program.

LAW LIBRARY

The Law Library of Congress maintains the largest collection of legal materials in the world and also houses a unique body of lawyers trained in foreign legal systems to supply legal research and analysis, primarily for the Congress, on the laws of other nations, international law, and comparative law. More than 200 jurisdictions are covered by Law Library specialists, representing some 80 percent of the sovereign entities of the world that issue laws and regulations. The Law Library uses this talent to maintain and develop the breadth and depth of a demanding collection. In addition to the Congress, the U.S. Courts, and the executive branch, the legal community depends heavily on the Law Library's collections and the unique expertise of its foreign legal staff. The Law Library's staff of American-trained attorney-librarians plays a similarly crit-

ical role in providing reference services to the U.S. Congress whenever either chamber is in session (as mandated by 2 *United States Code* §138).

The Library is requesting a program increase of \$1,030,388, primarily for expanding the use of contract support (in those areas where it has proven to be more cost effective than hiring in-house staff) to improve the processing, access, and security of the Law Library collections, which now total approximately one-eighth of the Library's total book collection. The Law Library needs additional contract resources to process the average annual check-in of 150,000 items a year and to maintain and make this unsurpassed collection accessible for meeting legal information needs of the Congress and the nation. The existing staff of eight technicians is inadequate to maintain services and make available a collection of 2.3 million volumes. Contractor support will provide the following essential collections maintenance activities: consistent shelf-reading (for collections in the book stacks, the Law Library Reading Room, and five research directorate reference collections); prompt shelving of new acquisitions and reshelving of circulated items (more than 200,000 annually); shifting of the collections; filing in various formats; annual review; weeding or reassignment of materials; and timely revision of affected LC ILS holdings records. In addition, contract funding is requested for coverage of the Law Library's microform collection during public service hours and to monitor increasing use of the foreign law research divisions' collections.

COPYRIGHT OFFICE

The Library's Copyright Office promotes creativity and effective claims, of which more than 515,000 are registered for copyright. More than 752,000 works were transferred to the Library during fiscal 2000, with an estimated value of \$32 million. The office also annually records approximately 18,500 documents with up to 400,000 titles and responds annually to more than 380,000 requests for information.

The Library requests a decrease in the Copyright Office's Offsetting Collections Authority—from \$23,500,000 to \$21,880,000. The \$1,620,000 decrease in Offsetting Collections Authority is based on projected annual registration receipts of \$21,500,000 and the use of \$380,000 from the Copyright Office no-year account.

The Copyright Office no-year receipt account balance totals \$4,289,000 as of September 30, 2000. Because registration receipts could be \$2 million less than the authorized level (\$23.5 million) during fiscal 2001, the no-year receipt account balance could drop to \$2,289,000 as of September 30, 2001. The Copyright Office proposes that the no-year receipt account balance of \$2,289,000 at the start of fiscal 2002 be used for information technology planning and development and to implement business process reengineering. The Library believes that the fees collected from the public that are in excess of current needs (i.e., the no-year account funds) should be retained for the significant automation improvements that will be essential to enhance service to the copyright community. The proposed receipts level of \$21,880,000 is based upon the above projections and the retention of no-year funds for the future.

The Copyright Office is in the process of assessing the current fee schedule to determine if fee adjustments are warranted in fiscal 2002. Even if the office were to implement a fee increase on July 1, 2002, it would not now (as it did not in fiscal 1999) impact the year in which the change was effected (i.e., fiscal 2002).

In fiscal 2000, the Copyright Office began a business process reengineering (BPR) project to study its major business processes. Using new technology, the Copyright Office is planning to improve customer service and enhance operational efficiency and security of the materials. The Copyright Office anticipates that major changes will be made over a period of several years after the study is completed later this year. The Li-

brary is requesting an increase of \$644,000 to implement the BPR study, including \$380,000 from Copyright Office no-year funds and \$264,000 from the furniture and furnishings appropriation.

By implementing its collections security process of marking and tagging in a more cost-effective manner, the Copyright Office saved \$620,000 in fiscal 2001. The Library will shortly forward a reprogramming request to the committee to authorize permanently the use of these funds for the Copyright Office's information technology planning and development project. The approval of this reprogramming request is essential to the Copyright Office's efforts to improve automation and better provide public services.

The Digital Millennium Copyright Act (DMCA) enacted at the end of the 105th Congress, gave the Copyright Office many new duties and responsibilities. The DMCA requires the Copyright Office to conduct a rulemaking every three years on exemptions that permit circumvention of technological access control measures in order to engage in noninfringing uses of copyrighted works. Two relatively narrow exemptions were granted on October 28, 2000, but at the conclusion of this process of conducting the rulemaking, I expressed several concerns that might warrant congressional consideration. The rapid changes in technology may require the rulemaking process to be conducted at intervals shorter than the triennial review enacted under the DMCA. In addition, I ask that the Congress address the further refinement of the appropriate criteria for assessing the harm to noninfringing uses in scholarly, academic, and library communities as well as guidance on the precise scope of the term "class of works."

NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED

The Library administers a free national library program of braille and recorded materials for blind and physically handicapped persons through its National Library Service for the Blind and Physically Handicapped (NLS). Under a special provision of the U.S. copyright law and with the permission of authors and publishers of works not covered by the provision, NLS selects and produces full-length books and magazines in braille and on recorded disc and cassette. Reading materials are distributed to a co-operating network of regional and subregional (local, nonfederal) libraries, where they are circulated to eligible borrowers. Reading materials and playback machines are sent to borrowers and returned to libraries by postage-free mail. Established by an act of Congress in 1931 to serve blind adults, the program was expanded in 1952 to include children, in 1962 to provide music materials, and again in 1966 to include individuals with other physical impairments that prevent the reading of standard print.

The fiscal year 2002 budget maintains program services by funding mandatory pay and price-level increases totaling \$1,262,940. The budget also supports the exploration of alternative digital technological possibilities that would provide a less costly, more efficient, internationally acceptable, and user-friendly delivery system. Funding the fiscal year 2002 increase is necessary to ensure that all eligible individuals are provided appropriate reading materials.

LIBRARY BUILDINGS AND GROUNDS

The Architect of the Capitol (AOC) is responsible for the structural and mechanical care and maintenance of the Library's buildings and grounds. In coordination with the Library, the AOC has requested a capital budget of \$10,105,000, an increase of

\$4,095,000. The AOC capital budget includes funding totaling \$6,220,000 in appropriations for five projects that were requested by the Library.

The largest Library-requested project, amounting to \$5 million, is for the National Audio-Visual Conservation Center in Culpeper, Virginia. The Congress has approved the first two increments of the appropriations' share for the center in fiscal 2000 and 2001 (\$6.6 million has already been appropriated). This fiscal 2002 budget request is the amount needed to build toward completing the federal share of \$16.5 million for renovating and equipping the facility. Assurance of the government's support is critical in gaining the far larger amount (at least 75 percent of the total) that we are raising privately for this project.

The four other Library-requested projects support the preservation of the Library's collections and space modifications in the James Madison Building. Library-requested projects, as well as AOC-identified projects, are prioritized based on critical need and in accordance with both the strategic and the security plans of the Library.

I urge the committee to support the Architect's Library Buildings and Grounds budget, which is critical to the Library's mission.

The Library is grateful for the decision by the Capitol Preservation Commission to authorize \$700,000 for a design study of a tunnel between the Thomas Jefferson Building and the proposed Capitol Visitor Center. Since 1991, the Library has worked with members of Congress and the Architect of the Capitol as an integral partner in the Visitor Center project. The Library offers unique resources for contributing to the mission of the Visitor Center through facilities that will permit sharing recorded performances from the world's largest collection of the performing arts and will showcase the unique role that the Congress has played in housing not just the mint record of American creativity but the personal papers of twenty-three American presidents and much of America's history in the Library's collections. The construction of a Visitor Center tunnel connecting the Capitol Building with the magnificent Thomas Jefferson Building provides direct access both (1) for the Congress to the Members' Room and the Jefferson Congressional Reading Room and (2) for the public to the exhibition spaces in the building so beautifully restored by the Congress. The tunnel is a critical element of the project and should be approved for construction now rather than later.

The Office of Compliance issued its Report on Fire Safety Inspections, Library of Congress Buildings, Conducted Under the Congressional Accountability Act on January 25, 2001, which was the culmination of a nearly twelve-month fire and life safety inspection of Library of Congress buildings on Capitol Hill. This external audit, authorized by the Congressional Accountability Act, is a continuation of Office of Compliance inspection efforts that took place earlier at the U.S. Capitol, the U.S. Senate Office Buildings, and the U.S. House of Representatives Office Buildings. The fire safety issues that were identified in Library buildings are similar to those found in other Capitol Hill buildings. The Library of Congress is, without reservation, committed to conforming with fire and life safety regulations and, along with the Architect of the Capitol, is systematically addressing all the identified issues. While the condition of the fire system in Library buildings should be and will be improved, we are confident that the buildings are basically safe for Library staff and collections.

AUTHORIZING LEGISLATION

The 106th Congress passed four important pieces of authorizing legislation that improve the Library's financial management and further support the Library's national mission.

The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481) represents a milestone in the Library's financial management. The bill creates

three revolving funds to manage important elements of the Library's operations, including services to federal libraries (FEDLINK), research reports and studies for federal entities (Federal Research Division), gift shop sales, photoduplication services, and duplication services associated with the National Audio-Visual Conservation Center.

The Congress also enacted the National Recording Preservation Act (Public Law 106-474), modeled on the highly successful National Film Preservation Act. Initial funding of \$250,000 is requested as part of the fiscal 2002 budget. During fiscal 2001, the Library is proceeding to bring the board into existence and establish a plan to produce a comprehensive survey of the sound preservation needs.

Finally, the 106th Congress enacted two bills that make use of the collections and curatorial and staff expertise of the Library: Public Law 106-99, which authorizes the Library to prepare and publish a history of the House of Representatives, and Public Law 106-380, which creates an oral history archive for veterans in the American Folklife Center. The Library has published preliminary guidelines for the preparation of their oral histories on its Web site, but in fiscal 2002 it will need to engage a project director to organize the national network of partner organizations that will be required to accomplish the very ambitious aims of this legislation, design and mount a Web site for the project, and begin processing the audiovisual histories that the Library will be receiving under the act.

The Library is also seeking a technical correction to the statute authorizing the revolving fund for duplication services, which would clarify the inclusion of film as well as audio and video duplication.

COOK CLASS-ACTION DISCRIMINATION CASE

The Library took another step forward to settle a long-standing class-action discrimination suit filed against it by Howard Cook and others in 1975. On January 18, 2001, District Judge Norma Holloway Johnson accepted the joint report of the Library and the *Cook* class-action plaintiffs, which resolved the disputes related to a 1998 motion filed by plaintiffs alleging violations of the 1996 settlement agreement. The joint report includes a new Library hiring process to be used from March 1, 2001, through December 1, 2002, and a new statistical methodology to be used to report on the new hiring process. All other matters contained in the 1996 settlement agreement expired upon the court's January 18, 2001, order.

CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

As part of the fiscal 2001 legislative branch appropriations bill, the Congress approved the establishment of the Center for Russian Leadership Development, a permanent center to provide emerging political leaders of Russia with firsthand exposure to the American free-market economic system and the operation of the American democratic institutions. The Library's budget for fiscal years 2000 and 2001 funded successful pilot programs that brought an unprecedented 3,650 Russian political leaders to America. Because the center is not yet independently organized and will not be part of the Library's fiscal 2002 budget, the Library has included on behalf of the center (as an information item only) a \$10 million request for the center's appropriated support. We anticipate that the center's board, when appointments to the board have been made by the House, Senate, and Librarian of Congress, will submit an amended budget justification to the Congress.

SUMMARY

"Knowledge will forever govern ignorance," James Madison wrote in 1822. "And a people who mean to be their own governours, must arm themselves with the power which knowledge brings." In 1800, the Congress established a Congressional Library to help provide it with the information required to administer this questioning and expanding land. Thanks to the continuing vision and support of the Congress, its Library has expanded and become not only a resource for the Congress but also the de facto national library of the United States and one of the world's greatest intellectual and cultural resources.

At the start of the third millennium and the Library's third century, the Library must acquire, preserve, and ensure rights-protected access to "born digital" works that are playing an increasingly important role in the intellectual, commercial, and creative life of the United States. The amount of "born digital" works that have already been lost is unknown but substantial. The average life of a Web page is only about seventy-five days.

Given the immeasurable size and short life span of much of the Web's content, the Library clearly faces a substantial challenge in both (1) defining the scope of its collecting responsibilities in this new world and (2) developing a whole new range of partnerships and cooperative relationships to continue fulfilling our central historic mission in the new digital universe. In conformity with the Congress's recent special appropriation, the Library's digital strategy will focus first on formulating an implementable national strategy for the life-cycle management of digital materials as part of the national collection. The Library must make sure that it has the digital infrastructure that can be scaled in the future to support and sustain the national digital information strategy that we will be cooperatively developing.

Librarians will be needed more than ever before as objective knowledge navigators amid the sea of unorganized and often undependable information that is increasingly inundating the Internet. Libraries will be needed to assure free public access for those who would otherwise be on the losing side of the digital divide—and also for those who might otherwise never learn to work both with new information and with old books. Libraries, like America itself, add the new without subtracting the old. Properly used, the Internet will help (a) scientifically to solve common problems shared by widely dispersed groups in fields like health and the environment and (b) humanistically to share online the materials that express the distinctive cultural identities of different peoples.

On behalf of the Library and its staff, I thank the Congress and the American people for the outpouring of support for the Library of Congress during its Bicentennial celebration. The Library celebrated its 200th anniversary last year with a wide array of programs and activities. A resolution by the Congress commended "the Library of Congress and its employees, both past and present, on 200 years of service to the Congress and the Nation." A presidential proclamation on April 21, 2000, stated that "The Library of Congress is truly America's Library." Commemorative coins and a stamp were issued. There were privately funded Bicentennial exhibitions, symposia, events, and publications. Almost 1,300 Local Legacies projects from all 50 states were registered by more than 400 members of Congress documenting traditional community life. Many special donations were made to the collections, and the Library was given the largest single monetary gift in its history by Mr. John W. Kluge.

The Library of Congress is entering a critical period when it must, in effect, superimpose a select library of digital materials onto its traditional artifactual library if it is to continue to be a responsive and dynamic force for the Congress and the nation. We

are not seeking appropriations for any new function but merely trying to sustain our historic core function of acquiring, preserving, and making accessible knowledge and information, which are now being generated and communicated in a radically new medium.

There is a special need this year for the Law Library and the American Folklife Center. They will play important national roles but have been seriously depleted, having received no significant funding increases from the Congress for many years.

With congressional support of our fiscal 2002 budget, the Library of Congress will continue its dedicated service to the work of the Congress and to the creative life of the American people.